

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
State/Territory: West Virginia

LIENS AND ADJUSTMENTS OR RECOVERIES

1. The State uses the following process for determining that an institutionalized individual cannot reasonably be expected to be discharged from the medical institution and return home:

Medical certification

2. The following criteria are used for establishing that a permanently institutionalized individual's son or daughter provided care as specified under regulations at 42 CFR §433.36(f):

Income Tax Records  
Property Tax Records  
Proof of Payment for Medically Necessary Supplies  
Affidavit

3. The State defines the terms below as follows:

- o estate - Real and personal property belonging to a person or a decedent at the time of his death including any intangible interest therein. The term "estate" includes all property identified in State Code.
- o individual's home - Primary place of residence prior to nursing facility.
- o equity interest in the home - Interest based upon inheritance, payments on mortgage note or down payment, or other interest as documented by deed.
- o residing in the home for at least one or two years on a continuous basis, and
- o lawfully residing. - Open notorious and permissive use of dwelling as residence.

TN No. 95-15

Supersedes \_\_\_\_\_

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